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UNITED STATES BANKRUPTCY COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re
TRUDY KALUSH,
Reorganized Debtor.

Case No. 8:11-bk-19563-ES
Chapter 11
Adv. Case No. 8:12-ap-01206-ES

TRUDY KALUSH,
Plaintiff,

vs.

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE OF THE
INDYMAC INDX DEED OF TRUST LOAN
TRUST 2005-AR12, DEED OF TRUST
PASS-THROUGH CERTIFICATES, SERIES
2005-AR12, UNDER THE POOLING AND
SERVICING AGREEMENT DATED JUNE
1, 2005; ONEWEST BANK, FSB; and DOES
1-100, Inclusive,

Defendants.

**[PROPOSED] ORDER ON PARTIAL
SUMMARY JUDGMENT MOTION**

Hearing:

Date: November 5, 2013
Time: 2:00 p.m.
Courtroom: 5A

1 On November 5, 2013 at 2:00 p.m., a hearing on Plaintiff Trudy Kalush's ("Plaintiff")
2 Motion for partial summary judgment pursuant to FRBP Rule 7056 on Objection to Proof of
3 Claim 6 ("Claim") and Debtor's First Claim for Relief (Declaratory Relief/Invalidate Lien)
4 ("Motion"). Appearances are as noted on the record. Having considered the Motion, the
5 pleadings filed, the evidence submitted, oral arguments of counsel at the hearing, proper notice
6 having been provided and after due deliberation and good and sufficient cause appearing,

7 **IT IS ORDERED:**

- 8 (1) The Motion is granted in its entirety;
- 9 (2) Summary Judgment is entered against Deutsche Bank National Trust Company
10 ("Deutsche Bank") as Trustee of The Indymac INDX Mortgage Loan Trust 2005-
11 Ar12, Mortgage Pass-Through Certificates, Series 2005-AR12 ("Trust"), Under
12 The Pooling And Servicing Agreement Dated June 1, 2005 ("PSA"), in favor of
13 Plaintiff pursuant to Federal Rule of Bankruptcy Procedure, Rules 7056,
14 disallowing Claim No. 6 in its entirety;
- 15 (3) Summary Judgment is entered against Deutsche Bank in favor of Plaintiff
16 invalidating Deutsche Bank's lien on the Debtor's real property located at 16625
17 South Pacific Coast Highway, Sunset Beach, California 90742 ("Property").

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